

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HUMAN SERVICES**



**Clarence H. Carter  
Director**

**Office Policy No. OD.08.002**

**SUBJECT:** Promulgation of New Policy Regarding Equal Employment Opportunity (EEO)

Pursuant to Mayor's Reorganization Plan No. 3 of 1986, effective January 3, 1987, the following policy regarding Equal Employment Opportunity (EEO) shall become effective immediately upon the execution of this document by the Director of the Department of Human Services, Clarence H. Carter. Additionally, the establishment of this agency's EEO Advisory Committee (and appointments thereto) shall become effective immediately upon the execution of this Policy by the Director.

**I. Equal Employment Opportunity Policy**

- A. The Department of Human Services (DHS) is committed to fairness and diversity in the workplace, recognizing that the respect and dignity with which we treat each other is critical to the success of the DHS mission.
- B. It is the policy of DHS that all recruitment, hiring, compensation (including salary, and benefits to the maximum extent of the law), training, work assignments, working conditions, promotions, rotations, transfers, retention decisions, awards, discipline, and any other adverse action as defined by applicable law, be administered without regard to actual or perceived:
  - race;
  - color;
  - religion (including religious beliefs or lack of such beliefs);
  - national origin (including ancestry, country of birth, and nationality);
  - sex (gender and conditions associated with gender, such as pregnancy);
  - sexual orientation;
  - age;
  - mental or physical disability;
  - marital status;
  - personal appearance (subject to reasonable, uniformly applied policy);

- family responsibility (including being a contributor to the support of one or more persons in a dependent relationship);
- matriculation (including part-time student status, if such status does not interfere with the DHS employment);
- political affiliation (including past or present political affiliation or lack of such affiliation);
- gender identity or expression; and
- genetic information.

It is DHS' policy to eliminate discrimination on the basis of the factors listed above, as they are more fully defined in Section 102 of the District of Columbia Human Rights Act, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02), and to take affirmative action to ensure equal employment opportunity for all its employees and applicants for employment.

- C. In accordance with Mayor's Policy 2004-171 (October 20, 2004), and any future amendments, it is also DHS' policy to provide a work environment free from sexual harassment. It is also the policy of DHS to provide a work environment free from harassment, based on any of the above protected categories.
- D. DHS will take all necessary steps to ensure that no person retaliates against, harasses, or coerces any other person because that person has filed a complaint of discrimination, furnished information in connection with such complaint, assisted anyone in filing or asserting a claim of discrimination, opposed alleged discriminatory conduct, or participated in any manner in an investigation, compliance review, or other activity related to enforcement of the Office's Equal Employment Opportunity Policy. Any employee found to have engaged in discrimination or harassment in violation of this policy, and any employee in a position of authority who fosters an environment that allows such discrimination or harassment to exist, will be subject to appropriate disciplinary action.

## **II. EEO Advisory Committee**

- A. Functions. The EEO Advisory Committee as a whole shall:
  - After the effective date of this Policy, and periodically thereafter, update (with the Director's approval) DHS' written EEO Policy for purposes of the receipt of federal grant funds.
  - Develop proposed goals and recommendations to the DHS Directors.
  - Recommend actions by the Director to optimize DHS' ability to hire, develop, promote and retain the workforce.
  - Monitor and report to the Director on DHS' compliance with all legal requirements in the EEO area and with DHS' EEO Policy.
  - If necessary, recommend to the Director additional measures to ensure DHS' compliance with all EEO requirements and DHS' EEO Policy.

- Develop an in-house course to address EEO issues and to improve employee appreciation for the workforce. This course shall address all the impermissible grounds for discrimination, with emphasis on race, color, religion, national origin, gender, sexual orientation, age, and disability.
- Periodically conduct employee surveys and report the results to the Attorney General, to identify issues of concern and potential barriers to achieving and maintaining diversity at DHS.
- With the assistance of DHS' Chief Administrative Officer, communicate DHS' EEO policy internally and to the public.
- Develop effective methods of recruiting a diverse workforce, including serving as liaison with organizations that are concerned with eliminating discrimination on the basis of one or more of the factors listed in Part I.B of this Policy.
- Serve as liaison between DHS and EEO enforcement agencies.
- Keep the Director informed of the latest developments in the EEO and employment diversity areas.

In addition, the members of the EEO Committee who are appointed as the Equal Employment Opportunity Counselor, as the Americans with Disabilities Act Counselor, or as the Assistant Equal Employment Opportunity Counselor, shall be responsible for receiving and attempting to resolve, informally through counseling, EEO and ADA complaints brought by employees of, and applicants for employment with DHS. In performing this function, these counselors shall consult with the Office of the Attorney General to ensure compliance with all collective bargaining agreements and to ensure that efforts to resolve the discrimination complaints do not impact on other bargainable matters. These counselors also shall consult with the DHS Agency Risk Manager, whose involvement will depend on the nature of the issue and the risk it poses to the Department.

- B. Procedures. An employee or qualified applicant may consult the EEO Counselor, the Americans with Disabilities Act (ADA) Counselor, or an Assistant EEO Counselor within 180 calendar days after the alleged unlawful employment practice occurred or within 180 calendar days of the discovery of the occurrence giving him or her cause to believe that he or she has been discriminated against, whichever is earlier. An employee alleging discrimination in connection with acts which occurred on or after October 1, 2002, may file a complaint directly with a court of competent jurisdiction within one year of the alleged incident and forego the administrative process for alleged violations of the District of Columbia Human Rights Act.

An employee alleging sexual harassment may file a complaint directly with the District of Columbia Office of Human Rights (OHR) within one year of the alleged conduct; or, if the alleged conduct occurred on or after October 1, 2002, directly with a court of competent jurisdiction. Although the Human Rights Act allows a complainant one year to file a sexual harassment complaint with the OHR, or with a court of competent jurisdiction, employees should be advised that their failure to timely follow DHS' policies and procedures to complain about alleged harassment within 180 days may be unreasonable on the part of the employee, given the totality of the circumstances, and may be taken into account in assessing the credibility and merit of the complaint.

In the event that supervisors receive an oral or written complaint from an employee, such complaint should be forwarded to the EEO Counselor or an Assistant EEO Counselor immediately.

Complaints received by the EEO Counselor, the ADA Counselor, or an Assistant EEO Counselor, shall be reviewed and processed promptly for counseling. The Chair of the EEO Advisory Committee (EEOAC) shall maintain records to reflect the date of each review and the action taken.

- C. Membership of the EEOAC. The following persons shall serve or continue to serve as members of the EEOAC and as Assistant EEO Counselors, and shall continue as Assistant EEO Counselor's until renewal:

Daisy Carr, Family Services Administration, (202) 541-3914  
Alicia M. McCarthy, Family Services Administration, (202) 541-3910  
Angel Corretjer, Income Maintenance Administration, (202) 698-4250  
Tonia Johnson, Income Maintenance Administration, (202) 698-4259  
Tayloria C. Jordan, Income Maintenance Administration, (202) 535-1118  
Gail T. Young, Income Maintenance Administration, (202) 724-3959  
Rae Smith, Office of the Chief Financial Officer, (202) 671-4215  
Bernice Alston, Child Care Services Division, (202) 727-8119  
Kelley Rodgers, Office of the Director, (202) 671-4534  
David K. Cunningham, Income Maintenance Administration, (202) 698-4354  
David Gatling, Anacostia Service Center, (202) 645-4614  
Vincent Miler, Income Maintenance Administration, (202) 698-1844  
Essie Page, Income Maintenance Administration, (202) 698-1714  
Mary Thea Proctor, Northeast Service Center, (202) 724-4262  
Marvin Newman, Congress Heights Service Center, (202) 645-0420

In addition, the following persons are appointed as *ex officio* members of the EEOAC: the Chief Administrative Officer (or his/her designee); **Emma Mapp, DHS Human Resources Manager**, shall continue as Chair of the EEOAC, and Rhonda M. Stewart shall serve as the EEO Officer and Americans with Disabilities Act (ADA) Compliance Officer.

D. Policy of DHS' EEOAC (DHS/EEOAC).

The following policy shall apply to all complaints of discrimination received by members of DHS.

1. To ensure the integrity of the DHS process, the EEO Counselor, or an Assistant EEO Counselor shall not participate in the mediation, investigation, and/or recommendation on the resolution of any complaint of discrimination when a conflict exists. A conflict exists where a complaint is received from any person who(m):
  - a. is a supervisor or manager; or
  - b. the counselor has a personal relationship with; or
  - c. is under the supervision of the accused; or
  - d. is assigned to the same Division as the complainant or the accused; or
  - e. is a member of the same bargaining unit.

Any supervisor or manager seeking to file a discrimination complaint through the

process herein must file directly with the Chair of the Equal Employment Opportunity Officers Committee.

2. The following may file a complaint of discrimination with DHS:
  - a. DHS Employees: Any person currently employed within DHS may file a complaint with DHS;
  - b. Non-DHS employees: Any person not employed within DHS may file a complaint of discrimination with DHS against one or more of its employees, if any of the following apply:
    - 1) The agency in which the non-DHS employee works does not have a DHS counselor or officer; or
    - 2) A conflict of interest exists between the non-DHS employee and his or her agency's EEO counselor or officer; or
    - 3) The non-DHS employee believes in good faith that his or her agency's EEO counselor or officer cannot be fair and impartial; or
    - 4) The EEO counselor or officer of the non DHS employee's agency believes in good faith that it is in the best interest of the agency and the District of Columbia government that a complaint of discrimination be received by DHS; or
    - 5) The DHS Counselor determines that it is in the best interest of the District of Columbia government that the complaint of discrimination is received and an inquiry into the allegations is conducted by the DHS/EEOAC.
  - c. Referrals from the Attorney General for the District of Columbia: The DHS/EEOAC shall receive and investigate all complaints of discrimination referred by the Attorney General or his/her designee.
  - d. Non-District of Columbia government employees, including applicants: The DHS EEO Counselor and Assistant EEO Counselors shall not accept any complaint of discrimination filed by a person who is not currently employed by the District of Columbia government, except when a complainant alleges sexual harassment either by a person who is employed with DHS or the District of Columbia government, or a current agent of DHS.
3. Confidentiality. All complaints filed with the DHS EEO Counselor and Assistant EEO Counselors shall be confidential and shall only be disclosed to authorized individuals in the following limited circumstances:
  - a. The complainant has filed a DHS complaint with OHR, or with the federal Equal Employment Opportunity Committee (EEOC) and OHR, or the EEOC has requested a copy of the DHS file; or
  - b. The DHS/EEOAC is responding to interrogatories propounded by either the

OHR or the EEOC; or

- c. The complainant has requested in writing that the DHS/EEOAC file be released after the conclusion of the investigation; or
- d. A complaint of discrimination may be disclosed among the members of the DHS/EEOAC, provided that no conflict of interest exists; or
- e. A court of competent jurisdiction has issued a Policy for the release of the DHS/EEOAC counselor's file; or
- f. The Complainant has filed a civil complaint seeking damages or other relief and the file is requested by an attorney in the Civil Litigation Division of the Office of the Attorney General in connection with the litigation.

This confidentiality provision does not preclude DHS from reporting suspected illegal acts, *i.e.*, assaults or threats to an appropriate enforcement agency.

- 4. Persons who may receive a complaint of discrimination. A complaint of discrimination may be received by any member of DHS. Any supervisor who becomes aware of a complaint of discrimination, either orally or in writing, shall forward such complaint to the EEO Counselor or an Assistant EEO Counselor for appropriate action.
- 5. Date of receipt of a complaint of discrimination. A complaint of discrimination is deemed to be received by the DHS/EEOAC when a complainant contacts the EEO Counselor or an Assistant EEO Counselor by telephone, in writing or in-person.
- 6. Responsibilities of the DHS/EEO Counselor and Assistant EEO Counselors for processing a complaint of discrimination are governed by the following policy:
  - a. Upon receiving a complaint of discrimination, shall immediately note the date the complaint was received, the name of the complainant, the name of the accused, the nature of the complaint, and assign it a number in the following format "200- [Insert appropriate year number]-EEO-[chronological number](initials of DHS Division or Agency)", and, in the case of an Assistant EEO Counselor, immediately report this information to the EEO Counselor.
  - b. If a conflict of interest exists, as defined below, the counselor shall not mediate or investigate the complaint, but, in the case of the EEO Counselor, will immediately refer the complaint to an Assistant EEO Counselor and, in the case of an Assistant EEO Counselor, will immediately refer the complaint to the EEO Counselor, who shall immediately assign the matter to himself or herself or to another Assistant EEO Counselor.
  - c. The EEO Counselor or Assistant EEO Counselor shall meet with the complainant as soon as practical but no later than three (3) business days after the complaint is received.
  - d. During the initial meeting with the complainant the EEO Counselor or

Assistant EEO Counselor shall:

- 1) Provide the complainant with a copy of the "Rights and Responsibilities of Individuals" form and ensure that the complainant reads and initials each section of the form.
  - 2) Complete, to the extent possible, the "EEO Counseling Report Format." (This report must be fully completed at the end of the EEO Counselor's or Assistant EEO Counselor's inquiry).
7. In making inquiry into the allegations in the complaint of discrimination, the EEO Counselor and Assistant EEO Counselors shall:
- a. Conduct a fair and impartial inquiry into the allegations of discrimination.
  - b. Interview the complainant and ascertain the nature of the complaint, the name of the person(s) who is(are) the subject(s) of the complaint and the nature of the complaint.
  - c. Interview the accused.
8. In attempting to resolve a complaint:
- a. The EEO Counselor and Assistant EEO Counselors shall conduct the final interview with the complainant within 21 days from the date the complaint of discrimination was received by the counselor.
  - b. Every effort shall be made to resolve the complaint to the satisfaction of the complainant.
  - c. When the complaint of discrimination is resolved with the approval of the complainant, the EEO Counselor or Assistant EEO Counselors shall complete the "Resolution Letter", which shall be signed by the complainant, the agency representative and the counselor. The "Resolution Letter" shall be placed in the DHS/EEOAC file and a copy shall be provided to the complainant and the agency representative.
  - d. The EEO Counselor and Assistant EEO Counselors shall advise the complainant in writing at the final interview that he or she has the right to file a formal complaint with OHR within 15 calendar days of the final interview, if the matter has not been resolved to the complainant's satisfaction.
  - e. If the complaint of discrimination is not resolved, the EEO Counselor and Assistant EEO Counselor shall refer the complaint to the EEO Officers Committee for an indepth investigation and recommendation to the Director.
  - f. If the EEO Counselor or an Assistant EEO Counselor does not complete his/her review and attempt to resolve the action within 21 calendar days of when the matter was brought to the EEO Counselor's attention, the Complainant may file a formal complaint with OHR.

- g. If the EEO Counselor or an Assistant EEO Counselor does not conduct a final interview, then a Complainant must file a formal complaint with OHR within 60 calendar days after the matter was brought to the attention of the EEO Counselor or the Assistant EEO Counselor to prevent OHR's dismissal of the complaint as untimely.
- 9. Committee Chairperson:
  - a. The Committee Chairperson shall make sure that no conflict of interest exists between the counselor handling the complaint and the complainant;
  - b. The Committee Chairperson shall assign a report number, which will begin with the year in which the complaint is filed, followed, in consecutive numbers, by the number of reports received during the calendar year and the complainant's initials.
- 10. Recordkeeping:
  - a. During the course of the inquiry into complaints of discrimination by the EEO Counselor or an Assistant EEO Counselor, the counselor shall secure the file so that it is not accessible to others.
  - b. Upon completing an inquiry into a complaint of discrimination, an Assistant EEO Counselor shall forward the completed file to the EEO Counselor.
  - c. The completed file shall be maintained in a locked file cabinet maintained by the DHS/EEOAC Chairperson.
- 11. Systemic Complaints:

If an employee raises the issue of systemic discrimination, or if during the making of an inquiry into an employee's individual complaint of discrimination the EEO Counselor or an Assistant EEO Counselor has reason to believe that discriminatory employment practices are agency-wide, division-wide or section-wide, the counselor shall immediately notify the EEO Counselor, the agency's EEO Officer(s), the Office of the Attorney General's Deputy Attorney General for Labor Relations, and the Attorney General for the District of Columbia. The Chair of the EEO Officers Committee shall thereafter conduct or initiate a complete investigation.
- 12. Conflicts:

With regard to the policy established and referenced herein, the term "conflict" is defined in Section D (1) above.

### **III. Equal Employment Opportunity Officers Committee**

#### **A. Membership of the EEO Officers Committee**



The following persons are appointed to serve as members of the EEO Officers Committee for a term of three (3) years from the effective date of this Policy:

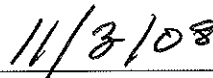
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Marvin Newman, Congress Heights Service Center, (202) 645-0420

- Rhonda M. Stewart, EEO Officer and ADA Compliance Officer, (202) 671-4422, shall continue to serve as the official EEO Officer of record.

- B. Functions. If counseling by members of the EEOAC fail to resolve a discrimination complaint, the EEOAC shall refer the complaint to the EEO Officers Committee. The EEO Officers Committee, through its Chair shall directly receive all initial complaints of discrimination filed by any manager or supervisor who seeks to avail himself or herself of this process. The EEO Officers Committee shall be responsible, through at least one of its members, for receiving, investigating, and making recommendations to the Director concerning specific formal actions, including discipline, to resolve the complaint. In performing this function, these officers shall consult with the Office of the Attorney General's Deputy Attorney General for Labor Relations and the Agency Risk Manager.
- C. Procedures. Complaints received by referral from the EEOAC shall be promptly reviewed, investigated, and addressed by written recommendations to the Director. The Chair of the EEO Officers Committee shall maintain records to reflect the date of each review and the action taken.

This Order will take effect immediately and supersede all previous Orders to the extent of any inconsistency.

  
Director

  
Date